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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,192	12/11/2003	James E. Dickens	BS030418	8045
7590 Scott P. Zimmerman P.O. Box 3822 Cary, NC 27519				
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EXAMINER				
STEPHEN, EMEM O				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,192

Applicant(s)

DICKENS ET AL.

Examiner

EMEM STEPHEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6,8-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities:

On line 1 of claim 3, replace "claim 2" with --claim 1-- before "wherein";

Appropriate correction is required.

Response to Arguments

2. Applicant's arguments filed 12/14/2007 have been fully considered but they are not persuasive.

After careful consideration, the examiner respectfully disagrees with the applicants arguments that both Osborn and Windsor fails to teach "alerting of outgoing calls" for the reason that alerting of outgoing calls are well known in the art and is not a novel feature furthermore, Windsor discloses a caller identification system for display of information with regards to incoming and outgoing calls at a telephone station (col. 1 lines 14-32, coal. 2 lines 25-43), the display of information is a form of alert to the subscriber, therefore, Windsor discloses alerting of outgoing calls. The applicant's further argument that both Osborn and Windsor fails to disclose "discarding a voice portion of the outgoing call" is not persuasive for the reason that Windsor discloses receiving outgoing signal, and extracting, converting DTMF tone, telephone signal into the called number readable format for presentation on the subscriber's display (col. 2 line 50-60, and col. 7 line 25-col. 8 line 45), Windsor's system does not transmit (does not make use of) the voice portion of the outgoing signal, instead it extracts, converts the telephone signal into called number which is exactly the application's limitation does,

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it discards (does not make use of, is needless, unnecessary, unwanted) the voice portion and only transmits the non-voice portion, therefore, Windsor discloses the applicant's limitation of "discarding a voice portion of the outgoing call."

Therefore the rejections are maintained, and repeated below. This action is made FINAL.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1,3, 5-6, 8-13, and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,119,022 to Osborn in view of US Patent No. 5,734, 706 to Windsor et al..

Regarding claims 1 and 8, Osborn discloses a system and method for alerting a subscriber of an outgoing call [abstract, col. 4 lines 27-30], the system comprising: a base station receiving the outgoing call [col. 4 lines 31-45, col. 4 lines 52-59, and col.7 lines 11-14, (i.e. first unit 14, or portable communication device, the call is outgoing with respect to the first unit 14, or portable communication device)] and wirelessly transmitting to an accessory device [col. 2 lines 21-28, (i.e. second or accessory unit 16)]; the base station wirelessly (first unit 14) transmitting only calling line identification information to the accessory device [col. 4 lines 52-59], the called lined identification information associated with the call to a called number [col.5 lines 59-60], the accessory device consisting of a processor, memory, alerting circuitry, a wireless receiver and a display [see figure 1, accessory unit 16], the receiver wirelessly receiving the called line identification information [col. 5 lines 37-40] and the display continuously presenting the called number [col. 7 lines 48-50] and a duration of the outgoing call [col. 7 lines 51-53], the processor comparing the called number to selected telephone numbers stored in the memory, and when a match is found, then upon origination the processor causing the altering circuitry to alert of the outgoing call [col. 6 lines 35-44], wherein the accessory device continuously presents the called number to the subscriber, thus informing the

subscriber of a called party identity associated with the call (col. 5 line 59-60, and col. 7 lines 48-50), inherently, voice portion is discarded [col. 5 line 52-col.7 line 43, and col. 7 lines 38-42]. However, Osborn fails to specifically disclose voice portion is discarded.

Windsor discloses voice portion is discarded and transmitting calling line identification information (see figs. 4B, 4D, 5B and col. 8 lines 4-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Osborn by transmitting only calling line identification information for identification of source of information before voice portion is allowed as disclosed by Windsor for the purpose of alerting a user's device with call information about calls.

Regarding claim 13, Osborn discloses a device (i.e. second or accessory unit 16) for alerting a subscriber of called line identification information associated with an outgoing call [col. 4 lines 31-45, col. 4 lines 52-59, col. 5 lines 37-40, and col.7 lines 11-14, (i.e. first unit 14, or portable communication device, the call is outgoing with respect to the first unit 14, or portable communication device)], the device comprising: a receiver wirelessly receiving only called line identification information from a base station, a processor comparing a called number to the selected numbers stored in memory [see figure 1, accessory unit 16], and when a match is found the upon origination of the outgoing call the processor causing alerting circuitry to alert of the outgoing call [col. 6 lines 35-44], and a display continuously presenting the called number for a duration of the call, wherein when the called line identification information is received, the device presents the called line identification information to the subscriber, thus informing the

subscriber of a called number associated with the call (col. 5 line 59-60, and col. 7 lines 48-50), inherently, voice portion is discarded [col. 5 line 52-col.7 line 43, and col. 7 lines 38-42]. However, Osborn fails to specifically disclose voice portion is discarded.

Windsor discloses voice portion is discarded and transmitting calling line identification information (see figs. 4B, 4D, 5B and col. 8 lines 4-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Osborn by transmitting only calling line identification information for identification of source of information before voice portion is allowed as disclosed by Windsor for the purpose of call restriction.

Regarding claims 3 and 15, the combination of Osborn, and Windsor discloses wherein the alerting signal is at least one of visual, audible, and tactile (Osborn, col. 6 lines 51-60).

Regarding claim 5, the combination of Osborn, and Windsor discloses a system according to claim 1, wherein the accessory device continuously presents an originating time for the duration of the outgoing call (Osborn, col. 7 lines 19-32).

Regarding claim 6, the combination of Osborn, and Windsor discloses a system according to claim 1, wherein the accessory device continuously presents the called number until an on-hook condition is detected (Osborn, col. 7 lines 54-61).

Regarding claims 9-12, the combination of Osborn, and Windsor discloses a method according to claim 8, further comprising producing an alerting signal upon receipt of the network-associated information, further comprising producing a visual alerting signal upon receipt of the network-associated information, further comprising

producing an audible alerting signal upon receipt of the network-associated information, further comprising producing a tactile alerting signal upon receipt of the network-associated information (Osborn, col. 6 lines 51-60).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to communication system:

U.S. Pat. No. 5815808

U.S. Pat. No. 6311055 B1

U.S. Pat. No. 7298835

U.S. Pat. No. 7274950

U.S. Pat. No. 7161925 B2

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM STEPHEN whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571 272 7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ES
03/12/2008

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617